

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLYLE PHILLIP,

Petitioner,

v.

Civil Action No. 04-11896-MLW

THOMAS HODGSON,

Respondent.

ORDER ON APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF FEES

On September 1, 2004, I ordered petitioner to either submit an application to proceed without prepayment of fees or pay the \$5 filing fee for this action within 28 days of the date of the order, or by September 29. It appears that the September 1, 2004 Order was sent to an incorrect address for petitioner and was re-sent to petitioner by a deputy clerk on September 27. On October 8, the court received an application to proceed without prepayment of fees from Phillip.

Because it appears that Phillip did not timely receive a copy of the September 1, 2004 Order, I will consider his application to proceed without prepayment of fee, and based on the financial information within it, the application is GRANTED.

SO ORDERED.

August 24, 2005
DATE

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE